

OKLAHOMA FUNERAL BOARD  
3700 North Classen Blvd, Suite 175  
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street  
Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

DATE & TIME: February 9, 2023 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on February 6, 2023 at 10:30AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to [info@funeral.ok.gov](mailto:info@funeral.ok.gov).

\*\*\* This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the January 12, 2023 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA
4. Oklahoma Insurance Department Update from a Representative of OID
5. Review complaints with possible vote for probable cause or other action

23-26 – Missing Property

23-27 – Rude Employee

23-28 – Next of Kin Issue

23-29 – Unlicensed Practice

23-32 – Unsatisfactory Service

23-33 – Next of Kin Issue

23-34 – Next of Kin Issue

6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 22-30 Hibbs Funeral Home & Cremation Care Center, Establishment, Choctaw, Hibbs Funeral Home, Inc, Owner, James Hibbs, FDIC, Choctaw. Member Matherly needs to be recused.

6B. Complaint 23-23 Green Hill Funeral Home, Establishment, Sapulpa, Green Hill Funeral Service Inc, Owner, Tom Dugan, FDIC,

Glenpool. Member Corbett needs to be recused.

6C. Complaint 23-24 Michael's Funeral Home Inc, Establishment, Drumright, Michael's Funeral Home Inc, Owner, Michael Davis, FDIC Drumright. Member Roberts needs to be recused.

7. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Lezzy Olmedo, Tulsa, Parks Brothers FH, Prague
2. Sonja Lewis, Ponca City, Matthews, Edmond
3. Dennis Baker, (FD Only) Kingfisher, Sanders FH, Kingfisher
4. Mackenzie Parks, OKC, Mercer Adams, Bethany
5. Becky Shupe, (EM Only) Ponca City, Grace Memorial Chapel, Ponca City
6. Taylor Reich, (FD Only) OKC, Sunny Lane FH, Del City

B. Apprenticeship (1st extension)

1. Colin Kirk, Vinita, Luginbuel FH, Vinita
2. Breece Low, Edmond, Baggerley FH, Edmond
3. Landon Beavers, Duncan, Callaway-Smith-Cobb, Marlow
4. Micah Nathan, Marlow, Callaway-Smith-Cobb, Marlow
5. Skyler Watters, Nowata, Benjamin FS, Nowata

C. Apprenticeship (2nd extension)

1. Wacee Kerr, El Reno, Wilson FH, El Reno
2. Perry Simpson, Noble, McMahan's FH, Noble
3. Michael Frazier, Sr, (FD Only) Hugo, Prater-Lampton, Hugo
4. Jared Johnson II, Wagoner, Shipman FH, Wagoner

D. Apprenticeship (3rd extension)

1. Addison Ray, Clinton, Ray and Martha's FH, Carnegie

E. Funeral Director and/or Embalmer (Reciprocal)

1. Kyle Dungan, Texas
2. Stuart Thompson, Texas
3. Desirae Davis, Iowa (EM Only)
4. April Bellotte, Texas

F. Funeral Director and/or Embalmer (Original)

1. Paige Goodman, OKC
2. Haley Ireland, Moore (FD Only)
3. Isaac Brown, Wellston (FD Only)
4. Chantal Hernandez, Yukon
5. Mylei Saysana, Edmond
6. Jonathan Bland, Yukon
7. Chad Austin, Boswell

G. Establishments

1. Brown's Family Funeral Home, LLC, New Establishment, Brown's Family Funeral Home, LLC, Owner, Timothy Alonzo, FDIC

## H. Crematories

1. Oklahoma Mortuary Service, Tulsa LLC, New Crematory, Oklahoma Mortuary & Cremation Service Tulsa LLC, owner, Floyd Richardson Jr, FDIC
8. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
9. **Executive Director's Report**
  - A. Agency Financial Update
10. Review, discussion, and possible action regarding 2023 Legislation limited to the following Bills: HB 1074, HB 1234, HB1235, HB2240, HB2642, HB2671, HB2807, SB128, SB161, SB356, SB599, SB722, SB957
11. Discussion and possible action regarding request for interpretation of Board Rule
12. Adjournment

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Tyler Stiles, MBA  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: March 9, 2023. Office of Chief Medical Examiner –OKC 921 N.E. 23<sup>rd</sup> Street Conference Room – 1<sup>st</sup> Floor Oklahoma City, OK 73105.



## MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD  
3700 N. Classen, Suite 175  
Oklahoma City, Oklahoma 73118

January 12, 2023

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### BOARD MEMBERS

Tom Coble  
Darin Corbett  
Joe Highberger  
Brent Matherly  
Jim Roberts  
Mike Sanders  
Chad Vice

### STAFF

Rochelle Covington  
Tyler Stiles  
Dustin Watters  
Kylie Cooper, AAG  
Liz Stevens, AAG

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### MEETING PLACE: MEETING PLACE:

If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on January 9, 2023 at 1:30PM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Roberts called the meeting to order at 10:00AM. Members Corbett, Highberger, Matherly, Roberts, Sanders, and Vice were present. Member Coble was absent. A quorum was always present

Motion by Vice second by Corbett to approve the December 8, 2022 Regular Board meeting minutes. The motion passed with members Highberger abstaining.

Dustin Pierce with OKFDA provided the following update: OKFDA District meetings are Jan. 24 in OKC, Jan. 26 in Chouteau, Jan 31 in Enid, Feb 2 in Marlow, Feb 7 in Ardmore, and Feb 9 in Krebs. The OKFDA convention will be April 23- 25.

OID did not provide an update.

Motion by Vice second by Highberger to dismiss complaint 22-40 with a letter of concern regarding Not Paying Vendor. The motion passed unanimously.

Motion by Vice second by Sanders to find probable cause on complaint 23-24 regarding Body Intake Log Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 19-36 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Complaint 20-39 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr., FDIC, Enid. Complaint 21-55 Amy Stittsworth Funeral Serv. & Cremation Directors, Inc., Establishment, Enid; Amy Stittsworth Funeral Serv. & Cremation Directors, Inc, Owner, Enid; William Stittsworth Jr. , FDIC, Enid. Respondent did not appear. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Corbett, Matherly, Roberts, and Sanders heard the case. Member Vice was recused from the case and he left the room. Member Highberger also left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Sanders to accept the Consent Order for Complaints 19-36, 20-39, and 21-55. The consent order consisted of the following: The terms consisted of the following: Administrative Penalty of \$1,500, Costs of \$1,000, respondent may not advertise a location that is not licensed by the Board. The motion passed unanimously.

Member Vice reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-08 People's Cooperative Funeral Home, Establishment, Lone Wolf; People's Cooperative Funeral Home, Inc., Owner; Essie Smith, FDIC. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Corbett, Matherly, Roberts, Sanders, and Vice heard the case. Member Highberger was recused from the case and he was already out of the room.

After the presentation of the agreed upon Consent Order, motion by Sanders second by Vice to accept the consent order. The consent order consisted of the following: The agreed violations were: failure to have a completed Body Intake Log, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$250, Costs of \$250. The motion passed unanimously.

Member Highberger reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 23-14 Wharton Funeral Chapel LLC, Establishment, Alva; Wharton Funeral Chapel LLC, Owner; Robert Wharton, FDIC. The prosecution was represented by Kylie Cooper, AAG. Liz Stevens, AAG, was the Board's legal advisor. Members Corbett, Highberger, Roberts, Sanders, and Vice heard the case. Member Matherly was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Sanders to accept the consent order. The consent order consisted of the following: The agreed violations were: failure to have caskets priced, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$2,000, Costs of \$500. The motion passed unanimously.

Member Matherly reentered the room.

Motion by Matherly second by Roberts to approve the following: Apprenticeship (Original) Philip Seeley, Stillwater, Strode FH, Stillwater; Kimberly Lucas, Choctaw, Barnes Friederich FH, MWC; Harlea Walker, Broken Arrow, Rice FS, Claremore; Tara Cook, Tulsa, Dillon FS, Sand Springs (FD Only); Aidan Parker, OKC, Chapel Hill, OKC; Kyla Searcy, Tahlequah, Reed Culver FH, Tahlequah; Edward Eschiti, Walters, Southern Plains Mortuary, Walters (EM Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension). Raymond Rogers, Miami, Paul Thomas FH,



Miami; Hellen Yosef, OKC, Crawford, Edmond (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (2nd Extension). Ashley King, Edmond, Chapel Hill, OKC. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (3rd Extension). William Swanson, Yukon, Crawford, Edmond. The motion passed unanimously.

Motion by Vice second by Sanders to table the following: Funeral Director and/or Embalmer (Reciprocal), Kyle Dungan, Texas; Stuart Thompson, Texas; Desirae Davis, Iowa (EM Only); April Bellotte, Texas. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Paige Goodman, OKC. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Rulon Davis Sr, Edmond (FD Only); Jennifer Pointer, Durant (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Haley Ireland, Moore (FD Only); Isaac Brown, Wellston (FD Only); Chantal Hernandez, Yukon. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Establishments, Estes-Phillips Funeral Home, Ada, request to change name to Smith-Phillips Funeral Home; Lanman Funeral Home Inc., Okeene, request to change FDIC from Irene Lanman to John Decker; Lanman Funeral Home Inc., Cherokee, request to change FDIC from Irene Lanman to John Decker; Knight-Swearingen Funeral Home, Inc., Maud, request to change name to Swearingen Funeral Home-Maud; Adamscrest Funeral Service, Tulsa, request to change name to Reynolds + Adamscrest Funeral Service; Kiesau-Lee FH, Clinton, request to change FDIC from Troy Lee to Brandon Lee; Park Brothers FS, Chandler, request to change FDIC from Erin Bradley to Patti Gonzalez-Carter; Roberts-Reed-Culver FH, Stilwell, request to change FDIC from Gabrielle Gray to Ashley Armstrong; Roberts & Hart FH, Westville, request to change FDIC from Gabrielle Gray to Ashley Armstrong; Dighton Moore, Owasso, request to change FDIC from Preston McCurtain to Deena

Nickerson; Mt. Olive FH, Hugo, request to close establishment; Prater-Lampton-Mills & Coffey FH, Hugo, request to close establishment; Holmes-Coffey-Murray FH, Durant, request to close establishment; Affordable Cremation, OKC, request to close establishment; Community FH, Guthrie, request to close establishment; Smith FH, Sapulpa, request to close establishment; Rice FS & CremationCare+, Catoosa, request to close establishment; Rice FS & Cremation Care, Claremore, request to close establishment; Mt. Olive FH, Hugo, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Alan Cowley, FDIC; Prater-Lampton-Mills & Coffey FH, Hugo, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Alan Cowley, FDIC; Holmes-Coffey-Murray FH, Durant, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Merle Soltis, FDIC; Affordable Cremation, OKC, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Lyndel Hamilton, FDIC; Community FH, Guthrie, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Lyndel Hamilton, FDIC; Smith FH, Sapulpa, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner Danilo Gaton, FDIC; Rice FS & CremationCare+, Catoosa, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Daniel Collier, FDIC; Rice FS & Cremation Care, Claremore, New Establishment, Beacon Funeral Partners (Oklahoma)LLC, Owner, Daniel Collier, FDIC; Ray and Martha's FH, Anadarko, request to change FDIC from Nelson Dougherty to Tammy Marshall; Ray and Martha's FH, Carnegie, request to change FDIC from Nelson Dougherty to Tammy Marshall; Ray and Martha's FH, Mountain View, request to change FDIC from Nelson Dougherty to Tammy Marshall; Green Country FH, Tahlequah, request to change name to Green Country Funeral Home LLC. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Crematories, S.P.S Crematory, Hugo, request to close crematory; Green Country Cremation Center, Sapulpa, request to close crematory; S.P.S Crematory, Hugo, New Crematory, Beacon Funeral Partners (Oklahoma)LLC, Owner, Alan Cowley, FDIC Green Country Cremation Center, Sapulpa, New Crematory, Beacon Funeral Partners (Oklahoma)LLC, Owner, Danilo Gaton, FDIC. The motion passed unanimously.

Mr. Stiles reported the following new business: Mike Brown passed away unexpectedly after the agenda was posted. Mr. Brown was FDIC of Forever Memories in Sallisaw, OK. Kari Harrell requested to be temporary FDIC with an exemption of FDIC requirements. She is FD only. Motion by Corbett second by Sanders to allow Kari Harrell to serve as temporary FDIC for 90 days. The motion passed unanimously.

Agency Financial update- Mr. Stiles reported gross receipts for December 2022 to be \$298,913.50 with \$29,891.35 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$38,715.27 and net income after expenses totaled \$230,306.88. Renewals for 2023 have ended and most individuals are able to renew online without any issues. Some establishments are still being processed and hopefully establishments will be able to renew online for 2024.

The rule interpretation committee met and has agreed on answers for recommendation. This will be typed and distributed to the committee members for approval prior to submission to the Board.

Motion by Highberger second by Sanders to adjourn the meeting at 10:25AM. The motion passed unanimously.

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Jim Roberts  
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**HIBBS FUNERAL HOME & CREMATION  
CARE CENTER**

A Licensed Funeral Establishment,  
Establishment License # 1587ES  
2190 N Harper St  
Choctaw, OK 73020

**owned by:**

**HIBBS FUNERAL HOME, INC.**

2190 Harper St  
Choctaw, OK 73020

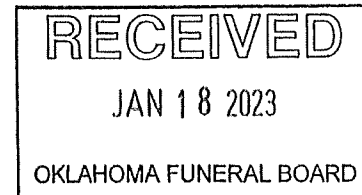
**JAMES B. HIBBS**

Licenses: 2827FD and 3209EM,  
Address: 2190 N. Harper St  
Choctaw, OK 73020

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**HIBBS FUNERAL HOME & CREMATION  
CARE CENTER,**

**Complaint No. 22-30**



**Respondents.**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, HIBBS FUNERAL HOME & CREMATION CARE CENTER, HIBBS FUNERAL HOME, INC., and JAMES B. HIBBS, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma

Administrative Code (“O.A.C.”) Section 235:10-1-1 *et seq.* (the “Rules”), in the manner set forth below:

### **JURISDICTION**

1. Respondent HIBBS FUNERAL HOME & CREMATION CARE CENTER (“Funeral Home”) is licensed by the Board, establishment license number 1587ES, and is located at 2190 N St., Choctaw, OK 73020.

2. Respondent JAMES B. HIBBS (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2827FD and 3209EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent HIBBS FUNERAL HOME, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent JAMES B. HIBBS is the owner and registered agent for Respondent HIBBS FUNERAL HOME, INC.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

### **FACTUAL ALLEGATIONS**

5. On or about February 16, 2022, Board staff received a complaint from Amy S. Williams. Ms. Williams stated that it took more than a month and a half to receive the cremated remains of her mother and the death certificate from the Hibbs Funeral Home. Further, Ms. Williams says it took more than a month for her to receive the cremated remains of her father and his death certificate.

6. Further, the complaint alleged that Respondents had failed to file a death certificate, cremation permit, disinterment permit or any other necessary permit as required by law in a timely

manner, in violation of OAC 235: 10-7-2(14). The Board provided Respondents with the Notice of Complaint via certified mail, and it was delivered on February 22, 2022.

7. On March 7, 2022, Respondents filed their response to Complaint 22-30 with the Board. Respondents admit that it was possible Ms. Williams had accurately recalled her conversations with the funeral home. Their office worker retired, a funeral director retired, three people had COVID-19, and Mr. Hibbs had surgery. Respondents “acknowledge that Hibbs Funeral Home did not provide the level of service expected to this family. I am sincerely apologetic.” Mr. Hibbs also provided a photocopy of a check written to reimburse the family for the costs.

8. By public vote during the meeting on September 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated OAC 235: 10-7-2(14) by failing to file necessary permits as required by law in a timely fashion. The relevant Board rule, 235: 10-7-2(14), provides:

Failure to file a death certificate, cremation permit, disinterment permit or any other necessary permit as required by law in a timely manner.

11. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent JAMES B. HIBBS as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

12. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

#### **AUTHORIZED PENALTIES**

13. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

14. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

15. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **February 9, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

action it deems appropriate.

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board



**CERTIFICATE OF SERVICE**

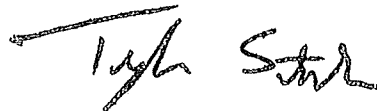
I hereby certify that on the 18<sup>th</sup> day of January, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

HIBBS FUNERAL HOME & CREMATION CARE CENTER  
2190 N Harper St  
Choctaw, OK 73020

HIBBS FUNERAL HOME, INC.  
2190 Harper St  
Choctaw, OK 73020

JAMES B. HIBBS  
2190 N Harper St  
Choctaw, OK 73020

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**GREEN HILL FUNERAL HOME**

A Licensed Funeral Establishment,  
Establishment License # 1890ES  
PO BOX 629  
Sapulpa, OK 74067

**owned by:**

**GREEN HILL FUNERAL SERVICE, INC.**

400 E. Teel Rd  
Sapulpa, OK 74066

**TOM DUGAN**

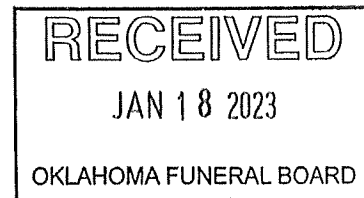
Licenses: 2512FD and 2655EM,  
Address: 12302 S Yukon Ave #2138  
Glenpool, OK 74033

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**GREEN HILL FUNERAL HOME,**

**Respondents.**

**Complaint No. 23-23**



**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, GREEN HILL FUNERAL HOME, GREEN HILL FUNERAL SERVICE, INC., and TOM DUGAN, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

## **JURISDICTION**

1. Respondent GREEN HILL FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1890ES, and is located at PO Box 629, Sapulpa, OK 74067.
2. Respondent TOM DUGAN (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2512FD and 2655EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.
3. Respondent GREEN HILL FUNERAL SERVICE, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent TOM DUGAN is the owner and registered agent for Respondent GREEN HILL FUNERAL SERVICE, INC.
4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11).  
*See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about November 14, 2022, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: there were no dates or times under the “care given” column; the dates and times of embalming were not listed in the Log; the disposition of the bodies was not listed in the Log; the embalmer did not sign the Log under the “embalmer signature;” and the embalmer’s name, signature, and license number were not in the Log.
6. On November 14, 2022, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents with the Notice of Complaint via certified letter, which was delivered on November 21, 2022.

7. On November 28, 2022, Respondents filed their response to Complaint 23-23 with the Board. Respondents acknowledged the Body Log was deficient. They indicated that they have updated the Body Log and discussed the incident with staff so it will not be repeated.

8. By public vote during the meeting on December 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent TOM DUGAN, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

12. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### **AUTHORIZED PENALTIES**

13. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

14. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

15. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

### NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **FEBRUARY 9, 2023** at **10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

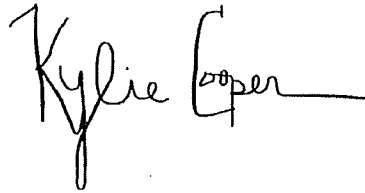
the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

action it deems appropriate.

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

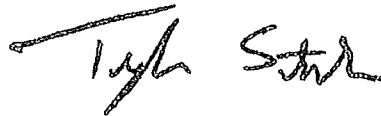
I hereby certify that on the 18<sup>th</sup> day of January, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

GREEN HILL FUNERAL HOME  
PO BOX 629  
Sapulpa, OK 74067

GREEN HILL FUNERAL SERVICE, INC.  
400 E. Teel Rd  
Sapulpa, OK 74066

TOM DUGAN  
12302 S Yukon Ave #2138  
Glenpool, OK 74033



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Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**MICHAEL'S FUNERAL HOME INC**

A Licensed Funeral Establishment,  
Establishment License # 1080ES  
501 W Broadway  
Drumright, OK 74030

**owned by:**

**MICHAEL'S FUNERAL HOME INC.**

PO BOX 688  
Drumright, OK 74030

**MICHAEL DAVIS**

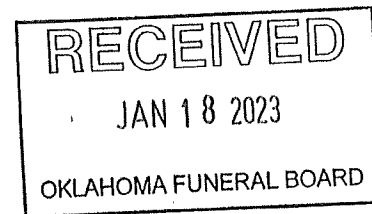
Licenses: 2321FD and 2468EM,  
Address: PO BOX 688  
Drumright, OK 74030

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**MICHAEL'S FUNERAL HOME,**

**Respondents.**

**Complaint No. 23-24**



**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Kylie Cooper, files this Complaint and Notice of Hearing, alleging that the Respondents, MICHAEL'S FUNERAL HOME, MICHAEL'S FUNERAL HOME INC., and MICHAEL DAVIS, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:



9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### ALLEGED CONCLUSIONS OF LAW

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent MICHAEL DAVIS, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

12. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

#### AUTHORIZED PENALTIES

13. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related

violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

14. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

15. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

#### **NOTICE OF HEARING**

An **EVIDENTARY HEARING** will be held before the Board on **FEBRUARY 9, 2023 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

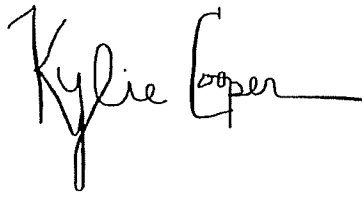
Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

---

<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

Respectfully submitted:

A handwritten signature in black ink that reads "Kylie Cooper". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

---

Kylie Cooper, OBA # 32758  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
kylie.cooper@oag.ok.gov

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of January, 2023, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

MICHAEL'S FUNERAL HOME  
501 W. Broadway  
Drumright, OK 74030

MICHAEL'S FUNERAL HOME, INC.  
PO BOX 688  
Drumright, OK 74030

MICHAEL DAVIS  
PO BOX 688  
Drumright, OK 74030



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Tyler Stiles, MBA  
Executive Director